

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: LION AIR FLIGHT
JT 610 CRASH

Lead Case: 1:18-cv-07686

Honorable Thomas M. Durkin

CONSOLIDATED WITH

1:18-cv-08006	1:19-cv-00622	1:19-cv-00797
1:19-cv-00802	1:19-cv-01550	1:19-cv-01552
1:19-cv-01553	1:19-cv-01554	1:19-cv-01695
1:19-cv-01698	1:19-cv-01703	1:19-cv-01714
1:19-cv-01924	1:19-cv-01935	1:19-cv-01992
1:19-cv-02315	1:19-cv-02240	1:19-cv-02774
1:19-cv-02213	1:19-cv-02398	1:19-cv-02919
1:19-cv-02979	1:19-cv-02982	1:19-cv-02987
1:19-cv-02764	1:19-cv-04897	1:19-cv-01588
1:19-cv-01598	1:19-cv-01600	1:19-cv-01601
1:19-cv-01623	1:19-cv-01624	1:19-cv-01625
1:19-cv-01626	1:19-cv-01697	1:19-cv-01701
1:19-cv-01712	1:19-cv-01715	1:19-cv-01932
1:19-cv-01951	1:19-cv-02312	1:19-cv-02074
1:19-cv-02241	1:19-cv-02212	1:19-cv-02214
1:19-cv-02400	1:19-cv-02025	1:19-cv-02980
1:19-cv-02084	1:19-cv-03415	1:19-cv-04589
1:19-cv-05211	1:19-cv-05214	1:19-cv-05217
1:19-cv-05213	1:19-cv-05215	1:19-cv-05220
		1:19-cv-05311

**DEFENDANT THE BOEING COMPANY'S
MOTION FOR REASSIGNMENT OF RELATED CASE**

Defendant The Boeing Company (“Boeing”), through its undersigned counsel, respectfully moves this Court to enter an order finding the above-captioned case is related to the case attached as Exhibit A, and reassigning the case attached as Exhibit A to this Court pursuant to Local Rule 40.4. In support of this Motion, Boeing states as follows:

1. On October 29, 2018, a Boeing 737-8 aircraft (the “Subject Aircraft”), operated by Lion Air as Lion Air Flight JT 610 (“Lion Air JT 610”), departed from Jakarta, Indonesia en

route to Pangkal Pinang, Indonesia. Shortly after takeoff, Lion Air JT 610 crashed into the Java Sea off the coast of Indonesia. All 189 passengers and crew members died in the accident.

2. On November 19, 2018, plaintiffs filed this lawsuit (the “*Saputra*” action) against Boeing on behalf of three Lion Air JT 610 passengers. The *Saputra* plaintiffs claim the crash occurred because of alleged defects on the Subject Aircraft. *See* Dkt. 1, Complaint. The *Saputra* complaint alleges wrongful death and survival claims and asserts causes of action sounding in strict products liability and negligence. *See id.*

3. The Court consolidated *Saputra* and all related Lion Air JT 610 actions pending before it and captioned the consolidated case “In re Lion Air Flight JT 610 Crash.” *See, e.g.*, Dkt. 37, 73, 138. Fifty-nine Lion Air JT 610 lawsuits are pending before this Court.

4. On August 1, 2019, Boeing was served with a lawsuit in the Circuit Court of Cook County, Illinois, on behalf of Lion Air JT 610 passengers, and Boeing timely removed the action on August 30, 2019. The case is Warti v. The Boeing Company, No. 19-cv-05842 (assigned to Hon. Marvin E. Aspen) (the “Removed Action”). The notice of removal, without exhibits except for the complaint, is attached as Exhibit A.

5. Plaintiffs in the Removed Action also claim the accident occurred because of alleged defects on the Subject Aircraft. *See* Ex. A. The Removed Action also alleges wrongful death and survival claims, and assert causes of action sounding in strict products liability and negligence. *Id.*

6. Judges in this District have observed that the random case assignment system can often lead to “situations in which two or more cases that are closely related will be pending before different judges.” *Garner v. Country Club Hills*, No. 11 C 5164, 2012 WL 1900020, at *1 (N.D. Ill. May 23, 2012). Accordingly, Local Rule 40.4(b) provides for assignment of “related” actions to a single judge where “(1) both cases are pending in this Court; (2) the handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort; (3) the earlier case has not progressed to the point where designating a later filed case as related would be likely to delay the proceedings in the earlier case substantially; and (4) the

cases are susceptible of disposition in a single proceeding.” Actions are related if the cases involve some of the same issues of fact or law or the cases grow out of the same transaction or occurrence. *See* L.R. 40.4(a)(2)-(3).

7. Courts routinely reassign related cases under this rule. *See e.g., Popovich v. McDonald’s Corp.*, 189 F. Supp. 2d 772, 778 (N.D. Ill. 2002) (finding L.R. 40.4(b)(4) met where two civil cases “[arose], in significant part, from the same transactions and occurrences” and were “susceptible of resolution in a single proceeding,” and “because of the overlap in issues, the handling of both cases by one judge [was] likely to result in a substantial savings of time and effort”); *Perry v. Chicago Housing Auth.*, No. 13-cv-5819, 2013 WL 5408860, at *2-3 (N.D. Ill. Sept. 26, 2013) (same). Indeed, more than 50 Lion Air JT 610 cases already have been reassigned under this Rule to this Court.

8. Given the identity of the factual allegations at issue, the Removed Action plainly involve “common question[s] of law or fact” with and are “related” to the consolidated proceeding under Local Rule 40.4(a). The Removed Action and consolidated proceeding involve wrongful death and survival claims brought on behalf of Lion Air JT 610 passengers or crew members against Boeing. Plaintiffs in the Removed Action and consolidated proceeding assert causes of action involving strict products liability and negligence. The claims arise out of the same incident on October 29, 2018. The remaining conditions for reassignment under Local Rule 40.4(b) also are met. First, due to the random assignment system, the Removed Action and consolidated proceeding are pending in this District before different judges. Second, reassigning the Removed Action to this Court will conserve judicial resources because the cases involve the same allegations and issues and, therefore, it will be far more efficient to have one judge preside over it. Third, reassignment would not cause delay as the cases are at their inception. Fourth, because the cases are almost identical and involve the same core of law and facts, they are susceptible to disposition in a single proceeding.

WHEREFORE, for the reasons stated above, Boeing respectfully requests that this Court issue an order, in accordance with Local Rule 40.4, finding that the consolidated proceeding is

related to the Removed Action, and reassigning the Removed Action to this Court as part of the consolidated case “In re Lion Air Flight JT 610 Crash.”

DATED: September 4, 2019

THE BOEING COMPANY

By: /s/ Bates McIntyre Larson
One of its Attorneys

Bates McIntyre Larson
BLarson@perkinscoie.com
Daniel T. Burley
DBurley@perkinscoie.com
Perkins Coie LLP
131 S. Dearborn, Suite 1700
Chicago, Illinois 60603-5559
Phone: (312) 324-8400
Fax: (312) 324-9400

Mack H. Shultz
MShultz@perkinscoie.com
Gretchen M. Paine
GPaine@perkinscoie.com
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

CERTIFICATE OF SERVICE

I, Bates McIntyre Larson, certify that on September 4, 2019, I electronically filed the foregoing ***DEFENDANT THE BOEING COMPANY'S MOTION FOR REASSIGNMENT OF RELATED CASES*** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to attorneys of record, and by email.

Floyd A. Wisner
faw@wisner-law.com
Alexandra M. Wisner
Awisner@wisner-law.com
WISNER LAW FIRM, P.C.
514 W. State Street Suite 2000
Geneva, Illinois 60134
(630) 262-9434
Counsel for Plaintiffs
Case No. 18 cv 07686

Thomas A. Demetrio
Michael K. Demetrio
ccfiling@corboydemetrio.com
CORBOY & DEMETRIO, P.C.
33 N. Dearborn St., Suite 2100
Chicago, Illinois 60602
(312) 346-3191
Counsel for Plaintiffs
Case No. 19 cv 00622

Thomas P. Routh
contact@nolan-law.com
NOLAN LAW GROUP
20 N. Clark Street 30th Floor
Chicago, Illinois 60602
(312) 630-4000
Counsel for Plaintiffs
Case No. 18 cv 08006
Case No. 19 cv 01712
Case No. 19 cv 01714
Case No. 19 cv 01715
Case No. 19 cv 02240
Case No. 19 cv 02241

Andrew T. Hays
ahays@haysfirm.com
Sarah Buck
Sarah.buck@haysfirm.com

Austin Bartlett
austin@bartlettchenlaw.com
BartlettChen LLC
150 N. Michigan Ave., Ste. 2800
Chicago, Illinois 60601
(312) 624-7711

and

Manuel von Ribbeck
mail@ribbecklaw.com
Ribbeck Law Chartered
505 N. Lake Shore Dr. Suite 102
Chicago, Illinois 60611
(833) 883-4373
Counsel for Plaintiffs
Case No. 19 cv 00802
Case No. 19 cv 01550
Case No. 19 cv 01552
Case No. 19 cv 01553
Case No. 19 cv 01554
Case No. 19 cv 01588
Case No. 19 cv 01598
Case No. 19 cv 01600
Case No. 19 cv 01601
Case No. 19 cv 01623
Case No. 19 cv 01624
Case No. 19 cv 01625
Case No. 19 cv 01626
Case No. 19 cv 01695
Case No. 19 cv 01697
Case No. 19 cv 01698
Case No. 19 cv 01701
Case No. 19 cv 01703
Case No. 19 cv 02919

Hays Firm LLC
55 W. Wacker Drive, 14th Fl.
Chicago, IL 60602
(312) 626-2537

and

Steven C. Marks
smarks@podhurst.com
Kristina M. Infante
kinfante@podhurst.com
SunTrust International Center, Ste 2300
One S.E. Third Ave.
Miami, Florida 33131
(305) 358-2800
Counsel for Plaintiffs
Case No. 19 cv 01924
Case No. 19 cv 01932
Case No. 19 cv 01935
Case No. 19 cv 01951
Case No. 19 cv 01992
Case No. 19 cv 02212
Case No. 19 cv 02213
Case No. 19 cv 02214
Case No. 19 cv 02398
Case No. 19 cv 02400
Case No. 19 cv 02025
Case No. 19 cv 04589

Jay Edelson
jedelson@edelson.com
Ari J. Scharg
ascharg@edelson.com
Benjamin H. Richman
brichman@edelson.com
EDELSON PC
350 N. LaSalle St., 14th Floor
Chicago, IL 60654
T: (312) 589-6370
F: (312) 589-6378

Rafey S. Balabanian
rbalabanian@edelson.com
123 Townsend, Suite 100
San Francisco, CA 94107
T: (415) 212-9300

Thomas G. Gardiner
tgardiner@gkwwlaw.com
John R. Wrona
jwrona@gkwwlaw.com
Shannon V. Condon
scondon@gkwwlaw.com
GARDINER KOCH WEISBERG &
WRONA
53 W. Jackson Blvd. Ste. 950
Chicago, Illinois 60604
(312) 362-0000
Counsel for Plaintiffs
Case No. 19 cv 00797

Steven A. Hart
shart@hnhlegal.com
John S. Marrese
jmarrese@hnhlegal.com
HART McLAUGHLIN & ELDRIDGE
22 W. Washington St. Suite 1600
Chicago, Illinois 60602
(312) 955-0545

and

Brian S. Kabateck
bsk@kbklawyers.com
Christopher B. Noyes
cn@kbklawyers.com
KABATECK LLP
633 W. 5th Street, Suite 3200
Los Angeles, CA 90071
(213) 217-5000

and

Sanjiv N. Singh
ssingh@sahivnsingh.com
SANJIV N. SINGH, APLC
1650 S. Amphlett Blvd. Suite 220
San Mateo, CA 94402
(650) 389-2255
Counsel for Plaintiffs
Case No. 19 cv 02312

F: (415) 373-9435

and

Thomas V. Girardi
tgirardi@girardikeese.com
Keith D. Griffin
kgriffin@girardikeese.com
GIRARDI | KEESE
1126 Wilshire Blvd.
Los Angeles, CA 90017
T: (213) 977-0211
F: (213) 481-1554
Counsel for Plaintiffs
Case No. 19 cv 02979
Case No 19 cv 02980
Case No. 19 cv 02982
Case No 19 cv 02984
Case No. 19 cv 02987
Case No. 19 cv 05211
Case No. 19 cv 05213
Case No. 19 cv 05214
Case No. 19 cv 05215
Case No. 19 cv 05217
Case No. 19 cv 05220
Case No. 19 cv 05842

Jason C. Webster
filing@thewebsterlawfirm.com
The Webster Law Firm
6200 Savoy Suite 150
Houston, Texas 77036
T: (713) 581-3900
Counsel for Plaintiffs
Case No. 19 cv 04897

Case No 19 cv 02315
Case No 19 cv 02074
Case No 19 cv 02764
Case No 19 cv 03415
Case No 19 cv 05311

Carmen D. Caruso
cdc@cdcaruso.com
Carmen D. Caruso Law Firm
77 W. Washington St., Ste. 1900
Chicago, IL 60602
T: (312) 626-1160

and

Charles Herrmann
charles@hlg.lawyer.com
Mark E. Lindquist
Anthony Marsh
Crystal Lloyd
crystal@hlg.lawyer.com
Herrmann Law Group
505 5th Ave. South Ste. 330
Seattle, WA 98104
T: (206) 625-9104
Counsel for Plaintiffs
Case No. 19 cv 02774

I certify under penalty of perjury that the foregoing is true and correct.
DATED this 4th day of September, 2019.

/s/ Bates McIntyre Larson
PERKINS COIE LLP
131 South Dearborn Street, Suite No. 1700
Chicago, Illinois 60603-5559
Tel: (312) 324-8400